

Hagler, Tom

From: Cummings, Deanna L CIV USARMY CESPA (US) <Deanna.L.Cummings@usace.army.mil>
Sent: Friday, January 4, 2019 11:11 AM
To: Hagler, Tom
Cc: Allen, Kelly E CIV USARMY CESPA (US); Medley, Wyatt T CIV USARMY CESPA (USA); Cummings, Deanna L CIV USARMY CESPA (US)
Subject: RE: Status of Morgan Lake (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Tom:

I realize you're on furlough as I write this, but you'll have it to read when you return.

We have not issued any approved jurisdictional determinations for activities within the ordinary high water mark of Morgan Lake. I've copied both Wyatt Medley from our Durango Office and our NM/TX Branch Chief, Kelly Allen on this response. In the future, you'll want to contact either of them regarding Morgan Lake and associated Corps 404 actions. I was involved with the power plant during the EIS development for the mine expansion and power plant reauthorization, but am now stepping back from the power plant. (Note that we determined the power plant was outside of our scope of analysis for that EIS). I'm currently retaining oversight of the Corps' mine permit and related mitigation, but am available to you all to provide background information as needed.

Thanks. Deanna

Deanna L. Cummings
Senior Regulatory Project Manager

Please do not send attachments larger than 5MB. For larger attachments, I will need to invite you to a new file-sharing process we have. I am not able to access non-DOD file sharing protocols.

Please try to call my work cell phone number before calling office number. Work cell: 505-231-3203

Regulatory Program
U.S. Army Corps of Engineers
Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, NM 87109
505-342-3280

<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>

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You are invited to complete our customer survey, located at the following link: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

From: Hagler, Tom [mailto:Hagler.Tom@epa.gov]
Sent: Friday, December 28, 2018 11:15 AM
To: Cummings, Deanna L CIV USARMY CESPA (US) <Deanna.L.Cummings@usace.army.mil>
Subject: [Non-DoD Source] Status of Morgan Lake

PRIVILEGED/DO NOT RELEASE

Deanna –

We (EPA Region 9 and the Corps) have been having some discussions over the past couple of years about the status of Morgan Lake (located on Navajo Nation near Fruitland, New Mexico, and part of the Four Corners Power Plant complex).

We are moving towards an Environmental Appeals Board action regarding our NPDES permit for the Four Corners Power Plant.

My understanding from our last voice mail exchange a few months back is that you aren't aware of a Corps jurisdictional determination as to the lake.

Would you mind confirming that in a return email? I'm not looking for anything detailed, and am definitely not looking for a formal opinion. I'm just concerned that our record doesn't have anything from the Corps reflecting that factoid.

Please call if you want to discuss this. Unfortunately, you may need to wait until we come back from furlough. We at EPA turn into pumpkins tonite at midnight, for a uncertain amount of time.

Interesting times.

Tom Hagler
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